



# California Fair Political Practices Commission

February 3, 1987

Honorable Bill Bradley  
Assemblyman, 76th District  
State Capitol  
Sacramento, CA 95814

Re: Your Request for Advice  
Our File No. A-87-020

Dear Assemblyman Bradley:

You have requested advice regarding your duties under the conflict of interest provisions of the Political Reform Act (the "Act").<sup>1/</sup>

## QUESTION

Are you required to disqualify yourself from participating in decisions involving AB 60 (Elder) of 1987?

## CONCLUSION

You are not required by the Act to disqualify yourself from participating in decisions on AB 60.

## FACTS

You are a member of the California State Assembly. You are over 55 years of age and considering selling your present home.

AB 60 provides that a property owner over 55 years of age may keep the current property tax assessment on his or her home if it is sold and a new home in the same county of equal or lesser value is purchased.

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<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

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#### ANALYSIS

Section 87100 prohibits a public official from making, participating in, or attempting to influence a governmental decision in which he knows or has reason to know he has a financial interest. Section 87100 applies to state legislators, who are public officials within the meaning of Section 87100.<sup>2/</sup> (Sections 82048, 82049.)

A public official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on, among other things:

(b) Any real property in which the public official has a direct or indirect interest worth one thousand dollars (\$1,000) or more.

#### Section 87103(b).

Thus, you are required to disqualify yourself from participating in a particular decision if the decision would have a reasonably foreseeable material financial effect on your residence, distinguishable from its effect on the public generally. Disqualification would be required even if you would not personally benefit from the transaction.

Regulation 18703 (copy enclosed) provides that a material financial effect on an official's interest is distinguishable from its effect on the public generally unless the decision will affect the official's interest in substantially the same manner as it will affect all members of the public or a significant segment of the public. The population of property owners over 55 years of age, who would be affected by AB 60, represents a significant segment of the public.

The particular facts of each decision you face will be determinative of the disqualification issue. However, you are not required to disqualify yourself unless the particular decision you face will affect you or a segment of the

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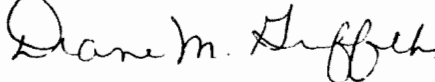
<sup>2/</sup> However, the remedies provided in the Act for violations of Section 87100 are not applicable to elected state officers, including state legislators. (Section 87102.)

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population smaller than the population of property owners over 55 years of age differently than other members of the public. If AB 60 is amended in any significant respect, you would be wise to contact us again for advice.

If you have any questions concerning this letter, you may contact me at (916) 322-5901.

Sincerely,

A handwritten signature in cursive script, reading "Diane M. Griffiths".

Diane M. Griffiths  
General Counsel

DMG:plh  
Enclosure

CAPITOL OFFICE  
STATE CAPITOL  
PHONE (916) 445-8211

SAN DIEGO COUNTY  
DISTRICT OFFICE  
125 WEST MISSION AVENUE  
SUITE 101  
ESCONDIDO, CA 92025  
PHONE (619) 489-8924  
(619) 237-6459

VIRGINIA RASMUSSEN  
ADMINISTRATIVE ASSISTANT

ROSALIA ATILANO  
FIELD REPRESENTATIVE

# Assembly California Legislature

BILL BRADLEY

ASSEMBLYMAN SEVENTY-SIXTH DISTRICT  
MEMBER OF THE ASSEMBLY RURAL CAUCUS



OVERSIC COUNTY  
DISTRICT OFFICE  
4260 BUCHANAN DRIVE  
SUITE 406  
RANCHO MURAGE, CA 94270  
PHONE (415) 578-0527

SHIRLEY VILE  
FIELD REPRESENTATIVE

January 5, 1986

John Larsen, Chairman  
Fair Political Practices Commission  
P.O. Box 807  
Sacramento, CA 95804

Dear Mr. Larsen:

With the passage of Proposition 60 on the ballot in November, legislation has been introduced providing that a property owner over 55 years of age may keep the same property tax assessment if his or her new home in the same county is of equal or lesser value than the home being sold. The bill number is AB 60,

My question is, would it be a conflict of interest for me to vote for this legislation since I am a legislator in that age bracket and am interested in selling my present home.

Please advise.

Sincerely,

*Bill Bradley*  
BILL BRADLEY  
Assemblyman, 76th District

BE:bd



# California Fair Political Practices Commission

January 9, 1987

Honorable Bill Bradley  
Assemblyman, 76th District  
State Capitol  
Sacramento, CA 95814

Re: 87-020

Dear Assemblyman Bradley:

Your letter requesting advice under the Political Reform Act was received on January 7, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days. You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script that reads "Diane M. Griffiths".

Diane M. Griffiths  
General Counsel

DMG:plh